IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24108 of 2004

Between:

M/s. John Distilleries Ltd., (Lessee of Sri Chamundeswari Sugars Ltd.,) K.M.Doddy, Madhur Taluk, Mandya District,
Karnataka, Rep. by its Authorised Signatory Abhishek Khandelwal, S/o.Satish Khandelwal,
R/o.21/A, Road No.5, Mahindra Hills, Secunderabad.

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise Andhra Pradesh,

Hyderabad
2 The Prohibition and Excise Superintendent Chittoor, Chittoor

District.
3 Sudalagunta Sugars Limited Factory, Mayura Nagar,

B.N.Kandriga Mandal, Chittoor District, rep by its Authorised

Signatory.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of Mandamus, declaring that the respondents-1 and 2 have no jurisdiction to cause any restriction on the transport of Molasses by the Petitioner from Andhra Pradesh State to any other place in the other States in India as such restriction is illegal and without jurisdiction apart from being violative of Article 19 (1) (g) of the Constitution of India.

Counsel for the Petitioner: MR.E.MARUTHI RAJA

Counsel for the Respondents 1&2: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following :

ORDER:

Petitioner is a Distillery in Karnataka State. It is stated that one of the raw materials used by it in the manufacture of liquor is Molasses. It claims to have purchased the Molasses from various sugar factories in the state of Andhra Pradesh. The complaint of the petitioner is that the respondents are insisting on obtaining permits for transporting the Molasses. The petitioner contends that according to the existing legal reigns, there is no necessity to obtain permits or licenses for transporting the Molasses.

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise.

The necessity to obtain licence or transport permit for possessing or transporting Molasses was considered by this Court in ***M/s Gauri Industries (Manufacturers of Rectified Spirit) v. Commissioner of Prohibition and excise, Andhra Pradesh*** (W.P.No.8136 of 2004), which, in turn, followed certain judgments of the Division Bench. It was held therein that no permit is needed for transporting the Molasses under valid purchase bills. A rider was added to the effect that in case the Molasses is used for manufacture of any illicit liquor, or for other unauthorized purposes, it can certainly be seized.

Following the same, this writ petition is disposed of directing that-

a. Respondents 1 and 2 shall not interfere with the transport of the Molasses by the petitioner as long as it is meant for manufacture of any produce, which is not prohibited by law;

b. The petitioner shall not be entitled to use the Molasses so transported for manufacture of the illicit liquor or other products prohibited by law; and

c. There shall be no order as to costs;

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23.12.2004

Note: Issue C.C. in two days

(B/o)

Jsu

To

1 The Commissioner of Prohibition and Excise Andhra Pradesh,

Hyderabad
2 The Prohibition and Excise Superintendent Chittoor, Chittoor

District.
3 2CCs to the Government Pleader for Prohibition and Excise,

High Court Buildings, Hyderabad. (OUT)

4 2CD copies.